



GALVESTON COUNTY, TEXAS

COMMISSIONERS COURT 722 Moody, County Courthouse, Galveston, TX 77550 (409) 766-2244

Mark Henry Ryan Dennard Joe Giusti Stephen Holmes Ken Clark
County Judge Commissioner, Precinct 1 Commissioner, Precinct 2 Commissioner, Precinct 3 Commissioner, Precinct 4

AGENDA

October 25, 2016 – 1:30 PM

CONSENT AGENDA: ALL ITEMS MARKED WITH A SINGLE ASTERISK (*) ARE PART OF THE CONSENT AGENDA AND REQUIRE NO DELIBERATION BY THE COMMISSIONERS COURT. ANY COMMISSIONERS COURT MEMBER MAY REMOVE AN ITEM FROM THIS AGENDA TO BE CONSIDERED SEPARATELY.

In accordance with the provisions of the Americans with Disabilities Act (ADA), persons in need of a special accommodation to participate in this proceeding shall, within three (3) days prior to any proceeding contact the County Judge's office at 722 Moody, Galveston, Texas 77550 (409) 766-2244.

REGULARLY SCHEDULED MEETING

Call to Order

Invocation and Pledge of Allegiance

Consent Agenda

- *1. Submitted by Auditor's Office:
 - a. Approval of the Accounts Payable Checks dated 10/18/16, 10/21/16, and 10/25/16
 - b. Order for Payroll period ending 10/19/16 Bi-Weekly #22
 - c. Order for Supplemental Payroll period ending 10/19/16 Bi-Weekly #22
 - d. Certification of funds pursuant to Local Government Code 111.0106 from Texas Conference of Urban Counties in the amount of \$4,987.72
 - e. Certification of funds pursuant to Local Government Code 111.0106 from Texas Conference of Urban Counties in the amount of \$18,032.38
 - f. Certification of funds pursuant to Local Government Code 111.0106 from Shell Pipeline and Brewster Procurement in the amount of \$500.00
 - g. Early check release dated 10/11/16 J. P. Morgan
 - h. Early check release dated 10/12/16 to Deborah Nowinski

- i. Early check release dated 10/12/16 to Associated Supply Company
- j. Early release check dated 10/18/16 to United States Postal Service
- *2. Receive and file *Restitution Check List from Odyssey* submitted by Collections Improvement Program
- *3. Receive and file *Restitution Check List* submitted by Collections Improvement Program
- *4. Receive and file *Refund Check List from Odyssey* submitted by the County Clerk
- *5. Receive and file *Refund Check List from Odyssey* submitted by the District Clerk
- *6. Receive and file *Summary of Biweekly Personnel Movements pay period #21, September 22-October 5, 2016* submitted by Human Resources
- *7. Consideration of *approving exemption to the 4 pay period mandatory vacancy policy for Facilities Technician III (Psn #12)* submitted by Human Resources on behalf of Facilities
- *8. Receive and file *Appointment & Oath of Office for Deputy Constable* submitted by Human Resources on behalf of Constable Pct. 1-A
- *9. Receive and file *notice pursuant to H.B. 3059, Section 366.005 of Texas-New Mexico Power Company providing utility service to Galveston County* submitted by the County Judge
- *10. Receive and file *Galveston County Health Protection Plan Amendment #14 effective January 1, 2015* submitted by the County Judge
- *11. Receive and file *Galveston County Health Protection Plan Amendment #15 effective January 1, 2016* submitted by the County Judge
- *12. Receive and file the *Fiscal Year 2015 - 2016 Collections and Personal Bond Report* submitted by the County Judge
- *13. Receive and file *donation check from Shell Pipeline sent to Galveston County Sheriff's Office Communications Division* submitted by Sheriff's Office
- *14. Receive and file *donation of bingo equipment from Galveston County Senior Citizens Activities, Inc. for the Parks & Cultural Services Department*, submitted by Parks & Cultural Services
- *15. Receive and file *Interfaith Ministries of Greater Houston monitoring results from 9/21/16*, submitted by Parks & Cultural Services Department

- *16. Consideration of *approval of granting a reduction of a permit fee (Facility Permitting Policy, Section 5.1.2 and 5.1.3) for Santa Fe High School, for use of Runge Park for a holiday concert on Tuesday, December 13, 2016*, submitted by the Parks & Cultural Services Department
- *17. Consideration of *approval of granting a reduction of a permit fee (Facility Permitting Policy, Section 5.1.2 and 5.1.3) for Living Faith Assembly of God, for use of the indoor banquet hall at Walter Hall Park for a first responders appreciation dinner on Saturday, January 21, 2017*, presented by the Parks & Cultural Services Department
- *18. Consideration of acceptance of *donation from Texas Cloud Busters Kitty Hawk Model Plane Flying Field at Jack Brooks Park*, submitted by Parks & Cultural Services Department
- *19. Consideration of *a resolution authorizing the Department of Parks & Cultural Services to begin negotiations with Interfaith Ministries of Greater Houston for the operations of home delivered "Meals on Wheels" service*, presented by the Parks & Cultural Services Department
- *20. Consideration for *authorization to rebid the following RFP* submitted by the Purchasing Agent:
 - a. RFP #B161005 Galveston County Stop Loss for 2016
- *21. Consideration for *authorization to dispose of Salvage or Surplus Property* submitted by the Purchasing Agent
- *22. Consideration for *authorization to issue a Request for Qualification on the following projects on behalf of the County Architect* submitted by the Purchasing Agent:
 - a. Medical Examiners' Office
 - b. Crystal Beach Road - County Campus
- *23. Consideration for *authorization to cancel the contract for Bid #B152024 Indexing Project for County Clerk* submitted by the Purchasing Agent
- *24. Consideration for *authorization to extend the contract for RFP #B142023, Property and Casualty Insurance and to choose an option for the windstorm insurance premium for policy period of November 1, 2016 to November 1, 2017 and issuing payment of policy premiums* submitted by the Purchasing Agent
- *25. Consideration for *authorization to grant an exemption from the competitive bidding requirements to acquire municipal advisory services from Hutchinson, Shockey, Erley & Co.* submitted by the Purchasing Agent

- *26. Consideration of *approval for Annual Odyssey Software Maintenance with Tyler Technologies* submitted by Information Technology
- *27. Consideration of *an Order designating that all monies that otherwise would be deposited in an Officers' Salary Fund be deposited in Galveston County's General Fund* submitted by County Legal
- *28. Consideration of *acceptance of the FY 2017 Violence Against Women Act (VAWA) Grant Award #3111101 from the Office of the Governor - Criminal Justice Division* as submitted by the Grants Manager
- *29. Consideration of *acceptance of the FY 2017 Violence Against Women Act (VAWA) Grant Award #2704104 from the Office of the Governor-Criminal Justice Division* as submitted by the Grants Manager
- *30. Consideration of *acceptance of the 2016 Homeland Security Grant Program (HSGP) Grant Award #2986202 from the Office of the Governor - Homeland Security Grants Division and authorize County Judge to sign supporting resolution* as submitted by the Grants Manager
- *31. Consideration of *acceptance of the 2016 Homeland Security Grant Program (HSGP) Grant Award #2972202 from the Office of the Governor - Homeland Security Grants Division and authorize County Judge to sign supporting resolution* as submitted by the Grants Manager
- *32. Consideration of *acceptance of the 2016 Homeland Security Grant Program (HSGP) Grant Award #2972302 from the Office of the Governor - Homeland Security Grants Division and authorize County Judge to sign supporting resolution* as submitted by the Grants Manager
- *33. Consideration of *acceptance of 2016 Homeland Security Grant Program (HSGP) Grant Award #3168401 from the Office of the Governor - Homeland Security Grant Division and authorize County Judge to sign supporting resolution* as submitted by the Grants Manager
- *34. Consideration of *acceptance of FY 2017 DWI Task Force Grant from the Houston-Galveston Area Council* as submitted by the Grants Manager
- *35. Consideration of *approval to submit FY 2017 Texas Indigent Defense Commission grant application and authorize County Judge to sign supporting resolution* as submitted by the Grants Manager
- *36. Consideration of *approval to submit FY 2017 Veterans Treatment Court Grant application to the Texas Veterans Commission and authorize County Judge to sign required documents* as submitted by the Grants Manager

- *37. Consideration of *authorization to execute renewal contract with City of Galveston Fire Department for fire protection services* submitted by Director of Contract Services
- *38. Consideration of *authorization to execute contract with Pattillo, Brown & Hill, L.L.P. for accounting and auditing services* submitted by Professional Services
- *39. Consideration of *authorization to execute contract with Hutchinson Shockey Erley & Co. for Financial Advisory Services* submitted by Professional Services
- *40. Consideration of *approval of the following budget amendments* submitted by Professional Services:
 - a. 16-179-1025-A
Various Departments- Request for transfers and additional funds for various transactions for fiscal year 2016
 - b. 17-010-1025-A
Professional Services- Request transfer from General Fund Budgeted Reserves to various salaries and benefits accounts for a \$250 supplement for part-time benefit eligible employees for FY 2017
 - c. 17-011-1025-B
Professional Services- Request transfer from General Fund Budgeted Reserves to various SRIA projects
 - d. 17-012-1025-C
Sheriff's Department - ISD'S Request transfer from General Fund Budgeted Reserves for salary increases associated with the Clear Creek ISD contract
 - e. 17-013-1025-D
Beach and Parks- Request transfer from Beach and Parks Fund Budgeted Reserves for the purchase of a surf rake for the Bolivar beaches
 - f. 17-014-1025-E
Professional Services- Request transfer from Road and Bridge Fund Budgeted Reserves for the attached spreadsheet and transfer funds from within the IT Print Center to the correct account for administrative supplies for FY 2017
 - g. 17-015-1025-F
Law Enforcement Education Fund- Request carry over of Law Enforcement Education Funds for Constables #1 - #4 for FY 2017
 - h. 17-016-1025-G
Parks Department Capital Projects- Request transfer from General Fund Budgeted Reserves for access road into 64 Acre (formerly Spillway) Park

- i. 17-017-1025-H
Donations to Galveston County- Request carry over of donations to Galveston County for Reliant CARE - Summer Relief FY 2017
 - j. 17-018-1025-I
Donations to Galveston County- Request establishing a budget for a private donation for the Sheriff's Department for FY 2017
 - k. 17-019-1025-J
Facilities Services & Maintenance- Request transfer from General Fund Budgeted Reserves to Facilities & Maintenance for the purchase of Jail Kitchen Equipment
 - l. 17-020-1025-K
County Clerk Rec Mgt & Pres Fund- Request transfer from County Clerk Rec Mgt & Pres Fund Budgeted Reserves to Extraordinary Supplies for the purchase of Breakroom Chairs
 - m. 17-021-1025-L
County Clerk Rec Mgt & Pres Fund- Request transfer from County Clerk Rec Mgt & Pres Fund Budgeted Reserves to Extraordinary Supplies for the purchase of two mini tower PC's
- *41. Consideration of *approval to authorize the County Judge to execute the first amendment to contract CM16238 Bolivar Peninsula Beach Dune & Restoration project to correct the Davis Bacon prevailing wage rates* submitted by the County Engineer
- *42. Consideration of *change order no. 3 to the Lucas Construction Co. Inc. contract for the Galveston Seawall Endcap Repair & Replacement project* submitted by the County Engineer
- *43. Consideration of *request of tax refunds in excess of \$2,500.00* submitted by the Tax Assessor/Collector:
- a.

R123305	\$3,785.13	SUPP Adjustment
R510205	\$7,757.25	SUPP Adjustment
- *44. Request for *waiver or refund of penalty and interest due to clerical errors* submitted by the Tax Assessor/Collector:
- a.

R227738	Lanigan, William	2015	\$10.89(R)
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 - b.

R131952	Ellis, Robert	1999	\$6.97(R)
R131952	Ellis, Robert	2000	\$60.50(R)
R131952	Ellis, Robert	2001	\$58.38(R)

R131952	Ellis, Robert	2002	\$58.68(R)
R131952	Ellis, Robert	2003	\$62.15(R)
R131952	Ellis, Robert	2004	\$57.16(R)
R131952	Ellis, Robert	2005	\$52.31(W)
R131952	Ellis, Robert	2006	\$50.29(W)
R131952	Ellis, Robert	2007	\$44.62(W)
R131952	Ellis, Robert	2008	\$39.98(W)
R131952	Ellis, Robert	2009	\$37.72(W)
R131952	Ellis, Robert	2010	\$33.87(W)
R131952	Ellis, Robert	2011	\$29.53(W)
R131952	Ellis, Robert	2012	\$25.04(W)
R131952	Ellis, Robert	2013	\$21.01(W)
R131952	Ellis, Robert	2014	\$16.47(W)
R131952	Ellis, Robert	2015	\$12.41(W)

*45. Request for *waiver or refund of penalty and interest due to clerical errors as recommended by Penalty & Interest Review Committee* submitted by the Tax Assessor/Collector:

a.	R102947	Glen, Charlie	2015	\$5.47(R)
b.	R102633	Eunice, Anthony	2015	\$57.49(W)
	R128075	Orr, Hershel	2015	\$93.38(W)
	R128329	Forbes, Elaine	2015	\$29.20(W)
	R123078	Polly, Richard	2015	\$23.63(W)
	R118685	Poretto, Rosemarie	2015	\$61.83(W)
	R103936	England, Elizabeth	2015	\$140.89(R)
	R504012	Home Sweet Home	2015	\$149.20(W)
	R189234	Hatcher, Meshell	2015	\$151.57(R)
	R123234	Randall Grambo LLC	2015	\$4,216.42(W)
	R123235	Randall Grambo LLC	2015	\$6,185.77(W)
	R213463	Bergquist, Michael	2015	\$447.72(W)

*46. Request for *ratification of denial of request for waiver or refund of penalty and interest as recommended by Penalty & Interest Review Committee* submitted by the Tax Assessor/Collector:

a.	R194590	Cielo El Rio LLC	2015	\$539.49(W)
	R193198	Cielo El Rio LLC	2015	\$260.73(W)
	R415004	Cielo El Rio LLC	2015	\$135.12(W)
	R193602	Cielo El Rio LLC	2015	\$412.12(W)
	R210651	Aguilar, Melva	2015	\$282.27(W)
	R366608	Forbus, Arthur	2015	\$1,197.19(W)
	R297116	Knoblock, Pam	2015	\$3,954.57(R)
	R214824	Jowell, Tracy	2015	\$132.38(R)

R215197	Jowell, Tracy	2015	\$25.86(R)
R214941	Jowell, Tracy	2015	\$38.59(R)
R214823	Jowell, Tracy	2015	\$29.65(R)
R304615	Jowell, Tracy	2015	\$180.77(R)
R513680	Jowell, Tracy	2015	\$27.42(R)
R133362	Owens, Jimmy	2015	\$1,491.28(W)
R510611	Cieszkewias, Edward	2015	\$936.85(R)

- *47. Consideration of *authorizing approval to submit a letter to Pelican Island Bridge stakeholders regarding project communications* submitted by Commissioner, Precinct 1
- *48. Consideration of *approval the FY17 Joint Funding Agreement with the United States Geological Survey for surface-water data collection* submitted by Road and Bridge
- *49. Consideration of *approval of the following liens* submitted by the Nuisance Abatement Officer:
 - a. 731 12th St., San Leon, TX 77539
 - b. 1521 Quarles Ave., Port Bolivar, TX 77650
 - c. 2317 Old Mexico Rd, High Island, TX 77623
 - d. 3006 19th St., Dickinson, TX 77539
- *50. Consideration of *approval of a renewal contract with Gulf Coast Center for a mental health deputy* submitted by the Sheriff

Action Agenda

51. Commissioner, Precinct 2

- a. Consideration of approval of requested waiver to policy HR010- Law Enforcement Career Path Program for Constable, Precinct 2 - Deputy IV position

52. County Judge

- a. Consideration of granting authority to County Judge to sign Trustee's Deed on the following tax foreclosed property:
 - 1. **CAD#: 3735-0000-0052-000**

53. Emergency Management

- a. Consideration of issuing Order Prohibiting Outdoor Burning in all-

Unincorporated Areas of Galveston County, Texas (Outdoor Burn Ban) and authorizing the County Judge to execute same.

54. **Right of Way**

- a. Consideration of execution of an encroachment agreement between the County of Galveston and Joseph E. Lorino and Catherine A Lorino permitting a partial encroachment of a house located on what is now known as 1222 Ave A ½, San Leon Texas, San Leon Townsite Abstract 10A Edwards Lot 19-20

55. **Sheriff**

- a. Consideration to authorize County Judge to execute an agreement with Leads Online for online reporting for secondhand dealers (Pawnshops) submitted by County Legal
- b. Consideration of authorizing the County Judge to execute a letter agreement setting the Compensation Schedule for Fiscal Year 2017 for the Interlocal Governmental Agreement between the County of Galveston, Texas and the Clear Creek Independent School District for law enforcement services

56. **County Legal**

- a. **Break into Executive Session:**
- b. **Executive Session:** Texas Government Code Section 551.071, Consultation with Attorney: the Commissioners Court will enter into an executive session as permitted under the Texas Open Meetings Act pursuant to Section 551.071 of the Government Code: to seek the advice of its attorney about pending or contemplated litigation, a settlement offer, or on a matter in which the duty of the attorney to the County under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act relating to rendering legal advice regarding contractual obligations between Galveston County and UTMB for operations of the Galveston County Medical Examiner's Office and statutory obligations of the Medical Examiner's Office.
- c. **Executive Session:** Texas Government Code Section 551.071, Consultation with Attorney: the Commissioners Court will enter into an executive session as permitted under the Texas Open Meetings Act pursuant to Section 551.071 of the Government Code: to seek the advice of its attorney about pending or contemplated litigation, a settlement offer, or on a matter in which the duty of the attorney to the County under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act relating to 3:14-CV-300, Kyle Springer v. Unknown Rekoff, et. al., in the United States District Court for the Southern District of Texas.

- d. **Executive Session:** Texas Government Code Section 551.071, Consultation with Attorney: the Commissioners Court will enter into an executive session as permitted under the Texas Open Meetings Act pursuant to Section 551.071 of the Government Code: to seek the advice of its attorney about pending or contemplated litigation, a settlement offer, or on a matter in which the duty of the attorney to the County under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act relating to 3:16-CV-00065, Diane Jacobs, et. al. v. Henry Trocheset, et. al. in the U.S. District Court for the Southern District of Texas, Galveston Division.
- e. **Executive Session:** Texas Government Code Section 551.071, Consultation with Attorney: the Commissioners Court will enter into an executive session as permitted under the Texas Open Meetings Act pursuant to Section 551.071 of the Government Code: to seek the advice of its attorney about pending or contemplated litigation, a settlement offer, or on a matter in which the duty of the attorney to the County under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act relating to the Texas General Land Office and Rollover Pass.
- f. **Executive Session:** Texas Government Code Section 551.071, Consultation with Attorney: the Commissioners Court will enter into an executive session as permitted under the Texas Open Meetings Act pursuant to Section 551.071 of the Government Code: to seek the advice of its attorney about pending or contemplated litigation, a settlement offer, or on a matter in which the duty of the attorney to the County under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act relating to Cause No. 15-0993, Hon. Mark Henry, v. Hon. Lonnie Cox, in the Supreme Court of Texas.
- g. **Executive Session:** Texas Government Code Section 551.071, Consultation with Attorney: the Commissioners Court will enter into an executive session as permitted under the Texas Open Meetings Act pursuant to Section 551.071 of the Government Code: to seek the advice of its attorney about pending or contemplated litigation, a settlement offer, or on a matter in which the duty of the attorney to the County under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act relating to the Severe Repetitive Loss Elevation Projects at 1525 103rd Street, Galveston.
- h. **Executive Session:** Texas Government Code Section 551.071, Consultation with Attorney: the Commissioners Court will enter into an executive session as permitted under the Texas Open Meetings Act pursuant to Section 551.071 of the Government Code: to seek the advice of its attorney about pending or contemplated litigation, a settlement offer, or on a matter in which the duty of the attorney to the County under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act-

relating to October 5, 2016 letter from Honorable John Ellisor.

- i. **Reconvene into Regularly Scheduled Meeting**
- j. Consideration of response to October 5, 2016 letter from Honorable John Ellisor

Adjourn

WORKSHOP AGENDA

- 1. Discussion of fences and gates at Fort Travis Park submitted by Commissioner, Precinct 1
- 2. Discussion about establishing county policy for licensing minor encroachments into county rights-of-way submitted by Commissioner, Precinct 1

Appearances before Commissioners Court

A speaker whose subject matter as submitted relates to an identifiable item of business on this agenda will be requested by the County Judge or other presiding court members to come to the podium where they will be limited to three minutes (3). A speaker whose subject matter as submitted does not relate to an identifiable item of business on this agenda will be limited to three minutes (3) and will be allowed to speak before the meeting is adjourned. Please arrive prior to the meeting and sign in with the County Clerk.

Executive Sessions

The Galveston County Commissioners Court may recess into closed meeting (Executive Session) on any item listed on this agenda if the Executive Session is authorized under the Open Meetings Act pursuant to one or more the following exceptions: Tex. Gov't Code §§ 551.071 (consultation with attorney), 551.072 (deliberation regarding real property), 551.073 (deliberation regarding a prospective gift or donation), 551.074 (personnel matters), 551.0745 (personnel matters affecting County advisory body), 551.076 (deliberation regarding security devices or security audits), and/or 551.087 (deliberations regarding economic development negotiations). The Presiding Officer of the Commissioners Court shall announce the basis for the Executive Session prior to recessing into Executive Session. However, the Commissioners Court may only enter into the Executive Session on any agenda item for which a separate Executive Session has not been separately posted if, prior to conducting the Executive Session, a majority of the Commissioners Court votes to go into Executive Session. This motion requirement does not apply to any agenda item that has been previously noticed to constitute or include an Executive Session.
